

# EXHIBIT 10

To the Declaration of Rakesh N.  
Kilaru

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 OAKLAND DIVISION

4 -----  
5 IN RE: COLLEGE ATHLETE NIL LITIGATION

6 No. 4:20-cv-03919 CW

7  
8 Videotaped Deposition of

9 Tymir Oliver

10 January 23, 2023

11 9:00 a.m.

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24 Reported by Jennifer Miller, RMR, CRR, CCR-NJ

25 JOB NO. 220889

## P R O C E E D I N G S

THE VIDEOGRAPHER: This is the start of tape labeled number 1 of the videotaped record deposition of Tymir Oliver in In Reference of the College Athlete NIL Litigation in the United States District Court, Northern District of California, Case Number 4:20-cv-03919 CW.

This deposition is being held at 100 North 18th Street, Philadelphia, Pennsylvania, on January 23rd, 2023, at approximately 9:06 a.m.

My name is Crystal Strawbridge. I am the legal video specialist from TSG Reporting, Inc.

The Court Reporter is Jennifer Miller, in association with TSG Reporting.

All present will be noted on the stenographic record.

Will the Court Reporter please swear in the witness.

TYMIR OLIVER, after having been first duly sworn, was examined and testified as follows:

1 schools offered you football scholarships?

2 A. There were probably ten or more. Ten  
3 would be a low number. Because you get just  
4 small schools that offer you, like Villanova.  
5 And I'll go see them. They had great  
6 basketball games. So the coaches would let me  
7 get tickets. So that was cool.

8 Q. What were the factors you considered  
9 important when deciding among the schools you  
10 were considering for college?

11 A. I never grew up playing -- well, I  
12 never grew up watching football. Like -- so  
13 when it came down to it, academics. And I just  
14 found out, like, senior year of high school  
15 that you want to play in a Power Five  
16 conference. So you want to play in a Power  
17 Five. And I was like "all right." And if my  
18 family could see me, that was important too.

19 Q. So location of the school or the  
20 proximity to your family?

21 A. Yes. That was, like, really  
22 important. That's why I committed to Rutgers  
23 first because of that.

24 It was Power Five, close to  
25 home. And really also my favorite color was

1 red, so I committed there.

2 Q. Those were the big three reasons?  
3 Academics, being in a Power Five conference,  
4 and your family being able to see you?

5 A. Yes.

6 Q. All right. Did you consider whether  
7 or not you were getting a full cost of  
8 attendance scholarship offer?

9 A. Say that one more time.

10 Q. Did any of the smaller schools offer  
11 you less than a full scholarship?

12 A. No. No.

13 Q. So everybody that offered you a  
14 scholarship was offering you a full cost of  
15 attendance scholarship?

16 A. Yes.

17 Q. Okay. And was that important?

18 A. Yeah. Yeah.

19 Q. All right. Did you consider the  
20 coaching staff and whether you liked the  
21 coaching staff?

22 A. That's the most important about --  
23 like, Rutgers, they -- Rutgers, why I committed  
24 to them as well, they checked on me all the  
25 time. And that was kind of like Illinois as

1 well.

2 Like, usually it's like a  
3 gentleman's sport. Like a gentleman's rule.  
4 Like, once a kid commit, you kind of like not  
5 supposed to talk to them no more.

6 But certain colleges would still  
7 reach out to me. And, like, when Rutgers'  
8 coaching staff got fired, I always just  
9 remembered who reached out to me, who seen me,  
10 who still kept in contact and didn't just leave  
11 me when I committed.

12 Q. Were the facilities -- the quality of  
13 the facilities important when you were  
14 considering which school you wanted to attend?

15 A. Not really, no. Because I think  
16 Syracuse had a nice facility. I got an offer  
17 from Syracuse. Yeah, they had a nice facility.

18 Q. Was the size of the team stadium or  
19 the attendance base for their fans important to  
20 you?

21 A. No.

22 Q. Was potential playing time important  
23 to you?

24 A. Most important.

25 Q. Was the quality of the team's player

1 was the best thing they got, Illinois.

2 When they got the new stadium --  
3 because we was able to sleep there now. So,  
4 like, it made everything just perfect:  
5 Tutoring, study sessions, everything right  
6 there.

7 Q. Based on what you just told me, I  
8 think I know the answer, but I'm going to ask  
9 the question.

10 Did attending classes, studying,  
11 and participating on the football team use up  
12 most of your available free time?

13 MR. KODROFF: Objection. Asked  
14 and answered.

15 THE WITNESS: Yes.

16 BY MR. ALBRIGHT:

17 Q. Did you have enough time while you  
18 were in college to do everything you wanted to  
19 do?

20 MR. KODROFF: Objection. Vague.

21 THE WITNESS: Honestly, no. But  
22 it's a sacrifice to, you know, play  
23 Division I football.

24 BY MR. ALBRIGHT:

25 Q. It's a sacrifice that you wanted to

1 make?

2 A. Yeah. Well, either that or not go to  
3 college. So you got to pick one.

4 I can't tell my mom I'm not  
5 going to go to college because I can't have fun  
6 or do parties like the rest of the people or  
7 join a frat because, depending on your coaching  
8 staff, they might not let you do -- join a  
9 fraternity.

10 Q. Playing football in college and  
11 getting the scholarship for playing football in  
12 college is what enabled you to go to the  
13 University of Illinois and to go to college?

14 MR. KODROFF: Objection. Asked  
15 and answered.

16 THE WITNESS: Yes.

17 BY MR. ALBRIGHT:

18 Q. Did you have enough time to just hang  
19 out with friends outside of the football team  
20 while you were at the University of Illinois?

21 A. Only football-related friends.  
22 Nobody else really. Like, your friend group  
23 turns to all football players. Because we get  
24 our haircuts at the same time. It just -- it  
25 just makes sense.



1 Q. Did you have enough time to spend  
2 much time with student athletes in other sports  
3 while you were at the University of Illinois?

4 A. Only if they was at the lunchroom,  
5 our Varsity I section. If they wasn't at the  
6 Varsity I, usually not because, like, they  
7 would come in and out, we would see each other.  
8 That's all.

9 Q. During the time that you were in  
10 college, did you consider the time demands you  
11 were facing to be a -- challenging to manage?

12 MR. KODROFF: Objection. Vague.

13 THE WITNESS: Can you say that  
14 one more time. Sorry.

15 BY MR. ALBRIGHT:

16 Q. Sure.

17 During the time you were in  
18 college, did you consider the time demands that  
19 you faced to be a challenge?

20 MR. KODROFF: Objection. Vague.

21 THE WITNESS: So it's like -- so  
22 you're asking me, like, did I think  
23 about --

24 BY MR. ALBRIGHT:

25 Q. Was it hard work to manage --

1 A. Oh.

2 Q. -- the time demands that you had  
3 while you were in college?

4 A. Yes. Like, the first -- I remember  
5 my freshman year I called my mom complaining  
6 because I couldn't believe all my time went to  
7 football. Like, that never happened to me  
8 before in my life.

9 Every day was football. Every  
10 single day. Every morning. I didn't even  
11 expect it.

12 Q. And was that a typical complaint you  
13 heard other student athletes voice as well?

14 A. Once it got to our freshman year,  
15 everybody did. But it really depends on your  
16 coaching staff, though, and everything. Like,  
17 stuff like that depends on your coaching and  
18 everything.

19 Q. Did you ever have a job while at the  
20 University of Illinois?

21 A. No.

22 Q. Given the schedule that you just  
23 described, did you have time for a job?

24 MR. KODROFF: Objection. Calls  
25 for speculation.

1 something like that sometimes too, if I can --  
2 if I can remember.

3 Q. Do you -- do you remember any  
4 walk-ons making memorable plans for Illinois  
5 while you were there?

6 MR. KODROFF: Objection. Vague.

7 THE WITNESS: Marchese would  
8 make the most, I think. Because he was --  
9 because he was a special teams threat.

10 So we'd punt. He'd go down  
11 there make a tackle and stop them at,  
12 like, the 20-yard line. Or, like, at  
13 kickoff, he'd be down there. Like, he'd  
14 do it.

15 Bobak was one of them as well.

16 Somebody else, Nolan Bernat, he  
17 got his first pick, I think, either  
18 against Northwestern or Wisconsin game.  
19 One of those games, he got a pick. It  
20 wasn't Wisconsin. I think it was  
21 Northwestern.

22 BY MR. ALBRIGHT:

23 Q. What year was that?

24 A. Nolan might have been my senior year.

25 Q. So fall of 2019 football season?

1 A. Yep.

2 Q. And he was a walk-on as well?

3 A. Yep. Nolan Bernat. And now he's  
4 playing, like, in a league overseas somewhere,  
5 like Lithuania, because we still keep in  
6 contact on social media.

7 Q. Did Jimmy Marchese intercept a pass  
8 against Western Illinois during your junior  
9 season in fall of 2018?

10 A. We played Western Illinois that year?  
11 We did? That was Western Illinois we played?  
12 No, it was Michigan my freshman year.

13 I think so, yeah. He definitely  
14 got -- you got to look at their highlight  
15 tapes. He definitely got a pick on there.  
16 That's probably the game.

17 Q. All right. Did you consider your  
18 teammates who were walk-on players to be  
19 important contributors to the team?

20 A. Yes.

21 MR. KODROFF: Objection. Vague.

22 BY MR. ALBRIGHT:

23 Q. Did you feel that walk-ons should be  
24 treated as equal, important members of your  
25 team, just like the teammates who were on

1 scholarship?

2 MR. KODROFF: Objection. Vague.

3 THE WITNESS: Yes.

4 BY MR. ALBRIGHT:

5 Q. If a walk-on player did not play much  
6 in games but worked very hard in practice and  
7 did all of the things that coaches asked him to  
8 do, to the best of his abilities, did you still  
9 consider him to be an important contributor to  
10 the team's success?

11 MR. KODROFF: Objection. Vague.

12 THE WITNESS: Yes.

13 BY MR. ALBRIGHT:

14 Q. Were there some walk-on players who  
15 actually made bigger contributions in games  
16 than some of the reserve scholarship players  
17 who didn't play as much in the games?

18 MR. KODROFF: Objection. Vague.

19 I don't know what "bigger"

20 means.

21 THE WITNESS: Well, you said it  
22 yourself. Marchese got a pick. There's  
23 some people on scholarship that didn't get  
24 a pick. So he got a stat that -- you  
25 know, technically, if we playing a stat

1 and numbers game...

2 BY MR. ALBRIGHT:

3 Q. Were you ever injured -- I think --  
4 well, strike that.

5 You told me earlier about being  
6 injured at least at one point during your  
7 career, correct?

8 A. Yes.

9 Q. Were there ever any other times that  
10 you were injured other than the time that you  
11 broke your finger?

12 MR. KODROFF: Playing football.

13 BY MR. ALBRIGHT:

14 Q. Playing football.

15 A. AC joint. I think I sprained my AC  
16 joint or something. That was sophomore year.

17 Yeah, that's one game where I  
18 didn't start, actually. One game I didn't  
19 start because I strained my AC joint.

20 But luckily we had a bye week,  
21 and coach let me sit out the whole entire bye  
22 week to heal for the next week. And then he  
23 didn't let me start because he didn't know how  
24 my shoulder was going to do. But then after we  
25 rotated, he found out I was okay, and then we

1 was good.

2 Q. And so that happened in your  
3 sophomore year, and then you said you broke  
4 your finger during your senior year?

5 A. Senior year, I broke my finger. And  
6 junior year, I also messed up my finger. My  
7 tendon or something, like, slipped off my  
8 finger. And my finger would, like, fall down  
9 by itself. So I had to, like, play with a cast  
10 to keep it up so it could heal.

11 Q. What effect did those injuries have  
12 on your performance while you were dealing with  
13 them?

14 A. The worst performance I feel like I  
15 probably ever had. Coach still kept me out  
16 there, but to this day, if I could go back in  
17 time, I would have tried to get, like, a  
18 medical or something because I couldn't perform  
19 nose guard taking on two blocks with one hand.  
20 It's tough.

21 Q. I know you said you missed at least  
22 one game for your AC joint sprain during your  
23 sophomore year, correct?

24 A. Well, only, like, one series. I just  
25 didn't start that game. Because there was only

1 positioned or better equipped to represent the  
2 proposed class than other potential class  
3 representatives?

4 MR. KODROFF: Objection. Vague.

5 THE WITNESS: No. I'm not sure.

6 Like...

7 BY MR. ALBRIGHT:

8 Q. Do you think you're a -- strike that.

9 Do you think you were better  
10 positioned or better equipped to represent  
11 current and former men's basketball players  
12 than an actual men's basketball player would  
13 be?

14 MR. KODROFF: Objection. Vague.

15 THE WITNESS: I'm not sure, to  
16 be honest. You know, when it comes to  
17 that, I'm really not sure.

18 BY MR. ALBRIGHT:

19 Q. You don't know whether or not a men's  
20 basketball player might be in a better position  
21 to represent other current former men's  
22 basketball players than you would be?

23 MR. KODROFF: Objection. Vague.

24 Calls for a legal conclusion.

25 THE WITNESS: I'm not sure, to



1 be honest. I know that they -- from just  
2 what I've seen on university, we put the  
3 same time in, same hours, everything like  
4 that in, from my understanding.

5 BY MR. ALBRIGHT:

6 Q. And based on your understanding that  
7 you put the same time and the same hours in, do  
8 you believe that that's all you need to know to  
9 be able to represent current and former men's  
10 basketball players?

11 MR. KODROFF: Objection. Vague.  
12 Calls for a legal conclusion.

13 THE WITNESS: I'm not sure.

14 BY MR. ALBRIGHT:

15 Q. You're not aware of anything else you  
16 would need to know other than those two things?

17 A. Yeah, I'm really -- to represent  
18 what's fair? I hope not. I'm not sure.

19 Q. So you don't need to actually have a  
20 men's -- current or former men's basketball  
21 player serve as a class representative to  
22 decide for them what's fair?

23 MR. KODROFF: Objection. Calls  
24 for a legal conclusion.

25 THE WITNESS: No. I'm not sure.

1 BY MR. ALBRIGHT:

2 Q. As long as you're treating everybody  
3 the same, that's enough?

4 A. Well, technically, everybody I'm  
5 representing is part of Power Five. They're  
6 athletes. They played Division I level.

7 So we're equal, technically.  
8 Like, we all signed the same deal, so we're all  
9 equal, yes. Since y'all -- NCAA views us as  
10 equal, technically, when we sign our papers.

11 Q. So as long as everybody's interests  
12 are treated equally in this litigation, then  
13 you feel that you're fulfilling your role as a  
14 class representative?

15 A. Yes.

16 Q. And would that also apply to the  
17 amount of compensation that each person would  
18 get?

19 MR. KODROFF: Objection. Calls  
20 for a legal conclusion.

21 THE WITNESS: Yes.

22 BY MR. ALBRIGHT:

23 Q. Are you expecting to be compensated  
24 for being a class representative in this  
25 lawsuit?

1 THE WITNESS: Yeah, I'm not  
2 sure.

3 BY MR. ALBRIGHT:

4 Q. Okay. Well, I'm asking you whether  
5 that's something you've considered or  
6 investigated.

7 MR. KODROFF: Objection. Calls  
8 for a legal conclusion.

9 THE WITNESS: No, not -- no, not  
10 me personally, no.

11 BY MR. ALBRIGHT:

12 Q. Do you agree that many people decide  
13 to watch games based on their interest in  
14 seeing certain star athletes in those games?

15 MR. KODROFF: Objection.  
16 Speculation.

17 THE WITNESS: I'm not sure.

18 BY MR. ALBRIGHT:

19 Q. You don't know if some people turn on  
20 the TV to watch a game because they want to see  
21 LeBron James play in that game or they want to  
22 see some other star player play in that game?

23 MR. KODROFF: Objection. Calls  
24 for speculation.

25 THE WITNESS: We're talking

1 about NBA?

2 BY MR. ALBRIGHT:

3 Q. I'm happy to make it college.

4 Do you know who Zion Williamson  
5 is?

6 A. Yes.

7 Q. Do you know what college team he  
8 played for?

9 A. I think either -- it's a blue school.  
10 It's either Duke or Kentucky. It's one of  
11 those.

12 Q. It's Duke. So you were in the  
13 ballpark.

14 Do you agree that a lot of  
15 people watch college basketball games just to  
16 see Zion Williamson play?

17 MR. KODROFF: Objection. Calls  
18 for speculation.

19 THE WITNESS: I don't know.

20 BY MR. ALBRIGHT:

21 Q. Did you ever watch Zion Williamson  
22 play a game in college?

23 A. No. I don't want basketball sports.

24 Q. All right. Do you know who Joe  
25 Burrow is?

1           A.     Yes.   He was the LSU quarterback,  
2     right?   Yeah.

3           Q.     And did he play when you were in  
4     college?

5           A.     He might be class of 2016.   He might  
6     have.   Yeah.

7           Q.     At least you know who he is?

8           A.     Uh-hum.

9           Q.     And do you know which team he led to  
10    the national championship?

11          A.     LSU.

12          Q.     All right.   And did you ever see any  
13    of his games on TV when he played?

14          A.     Yes.

15          Q.     You watched any of the playoff games  
16    that year that LSU won the national  
17    championship?

18          A.     Yeah.

19          Q.     Okay.   And do you agree that a lot of  
20    people watched college football games that year  
21    just to see Joe Burrow play?

22                   MR. KODROFF:   Objection.   Calls  
23    for speculation.

24                   THE WITNESS:   No.   I'm not sure.

25